

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762	)	WT Docket No. 06-150
and 777-792 MHz Bands	)	
	)	
Revision of the Commission's Rules to Ensure	)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Docket No. 01-309
Governing Hearing Aid-Compatible Telephones	)	
	)	
Former Nextel Communications, Inc.	)	
Upper 700 MHz Guard Band	)	
Licenses and Revisions to Part 27 of	)	WT Docket No. 06-169
the Commission's Rules	)	
	)	
The Development of Operational, Technical	)	WT Docket No. 96-86
and Spectrum Requirements for Meeting Federal,	)	
State and Local Public Safety Communications	)	
Requirements Through the Year 2010	)	

**SUPPLEMENTAL MOTION FOR EXTENSION OF TIME**

In order to achieve the greatest benefit for both public safety and commercial users of the Upper 700 MHz band, it is essential that the linkages between the above-captioned proceedings be considered and resolved concurrently, in advance of the auction of the commercial spectrum in the Upper 700 MHz band. To align consideration of these interrelated proceedings in a manner that optimizes the benefits of the FCC's ultimate band plan and auction rules, Access Spectrum, LLC and Pegasus Communications Corporation respectfully request that the Commission issue a Public Notice by Friday,

September 15, 2006, even if the Federal Register publication of the *A&B Block NPRM*<sup>1</sup> has not yet occurred, announcing new comment and reply comment deadlines of October 16, 2006 and November 15, 2006,<sup>2</sup> respectively, for the *Commercial 700 MHz Notice*<sup>3</sup> and the *A&B Block NPRM* as well as establishing an opportunity for interested parties to file supplemental comments in the *Public Safety 700 MHz* proceeding (WT Docket No. 96-86) by November 15, 2006. This coordination of pleading dates will assist commenters in analyzing and informing the Commission about the linkages between the proceedings, so that the Commission can make a set of decisions that optimize use of the 700 MHz band for both commercial and public safety users.

On Friday, September 8, 2006, Access Spectrum and Pegasus jointly filed a Motion for Extension of Time<sup>4</sup> in which they requested that the Commission extend the

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<sup>1</sup> *Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, Notice of Proposed Rulemaking, FCC 06-133 (rel. Sep. 8, 2006) ("*A&B Block NPRM*").

<sup>2</sup> Although the *A&B Block NPRM* contemplates a 15-day reply comment period, the proposals and related issues that are likely to be raised in both the *A&B Block* and *Commercial 700 MHz* comments will warrant a slightly more extended period of time for parties to conduct a meaningful and comprehensive analysis. Consequently, Access Spectrum and Pegasus propose a 30-day reply comment period.

<sup>3</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 06-150, CC Docket No. 94-102, and WT Docket No. 01-309, Notice of Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making, FCC 06-114, ¶ 1 n.6 (rel. Aug. 10, 2006) ("*Commercial 700 MHz Notice*").

<sup>4</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 06-150, CC Docket No. 94-102, and WT Docket No. 01-

dates by which comments and reply comments are due in the *Commercial 700 MHz* proceeding in order to enable simultaneous consideration of the issues in the *Commercial 700 MHz Notice* and those raised with respect to the A and B Blocks in the Upper 700 MHz band. Later that day, the Commission released the Notice of Proposed Rulemaking in the *A&B Block* proceeding. Access Spectrum and Pegasus now supplement their previous motion to identify specific comment and reply comment dates. We urge that the FCC establish new comment due dates of October 16, 2006 and reply comment due dates of November 15, 2006 for both the *A&B Block NPRM* and the *Commercial 700 MHz NPRM*. If the FCC expedites publication of the *A&B Block NPRM*, this will allow for comments to be filed approximately 30 days after publication in the Federal Register, as provided in the *A&B Block NPRM*. Finally, we suggest that the FCC provide for the filing of supplemental comments on November 15, 2006 in the *Public Safety 700 MHz* proceeding (WT Docket No. 96-86).

The Commercial 700 MHz auction will be designed optimally and public safety benefits will be maximized only if appropriate changes are made to the A and B Blocks. In their October comment filing, Access Spectrum and Pegasus intend to provide the Commission with detailed information on the compelling logical linkage between achieving the benefits for public safety and the required revisions to the rules for the Commercial 700 MHz and A and B Block spectrum.

A short delay in comment deadlines now will save time in the long term as well as avoiding the severely negative consequences of deciding interrelated issues separately. By coordinating comment and reply comment cycles in the *Commercial 700 MHz*

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309, Motion for Extension of Time filed by Access Spectrum, L.L.C. and Pegasus Communications Corporation (filed Sep. 8, 2006).

proceeding and the *A&B Block* proceeding, and providing for supplemental comments in the *Public Safety 700 MHz* proceeding, commenters will be able to inform the Commission more fully on the linkages among all three proceedings. This will enhance the FCC's decision-making and avoid unintended consequences and sub-optimal decisions. Moreover, coordinating the three proceedings will ensure that the public safety community is kept apprised of, and given an opportunity to comment on, decisions in the *Commercial 700 MHz* and *A&B Block* proceedings that will directly affect public safety.

As the *A&B Block NPRM* indicates, the consideration of actions to be taken with commercial spectrum in the Upper 700 MHz band is inherently related to public safety operations in that band.<sup>5</sup> The rules and band plan for all of the commercial spectrum, including whatever portion of the A and B Blocks is not assigned to public safety, will determine the auction's success. In addition, the manner in which the band plan and auction rules ultimately are developed will determine whether public safety benefits from that commercial success.

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<sup>5</sup> *A&B Block NPRM* ¶ 46.

Adopting the approach sought by Access Spectrum and Pegasus would permit all parties to address the interrelated issues of the separate proceedings comprehensively, facilitating an FCC decision that best serves the public interest.

Respectfully submitted,

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